

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

UNITED STATES OF AMERICA, *ex rel.*
RICKEY HOWARD,

Plaintiff/Relator,

v.

CADDELL CONSTRUCTION CO.,
W.G. YATES & SONS CONSTR. CO.,
POMPANO MASONRY CORP.,
BRESLOW CONSTRUCTION LLC,
DAVID J. VALDINI & ASSOC. P.A.,
SEITLIN & COMPANY, JULIAN MARIE
BRESLOW, STEPHEN JAY SIEGEL,
CLEETUS MCHENRY, JOSEPH
CANITANO, DAVID J. VALDINI,
DALE A. BELIS, and JILLIAN BRESLOW
PHELPS,

Defendants.

FILED UNDER SEAL

No. 7:11-CV-270-D

ORDER

Pursuant to the False Claims Act, the United States having intervened for the purpose of settlement as to David J. Valdini and David J. Valdini & Associates, P.A., and declined to intervene as to the remaining defendants, it is hereby ORDERED:

1. The relator's qui tam complaint, the United States' Notice of Partial Intervention filed July 14, 2014, the United States' Application to Unseal filed August 22, 2014, and this Order be unsealed;
2. The relator shall serve his qui tam complaint upon the remaining defendants;
3. All other papers and orders on file in this matter shall remain under seal;

4. The seal shall be lifted on all other matters occurring in this action after the date of this Order;

5. As to the part of the action in which the United States has declined to intervene, the parties shall serve all pleadings and motions filed in that part of the action, including supporting memoranda, upon the United States, as provided for in 31 U.S.C. § 3730(c)(3). The United States may order any deposition transcripts and is entitled to intervene in that part of the action, for good cause, at any time;

6. All orders of this Court shall be sent to the United States; and

7. Should the relator or any defendant propose that the part of the action in which the United States has declined to intervene be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before ruling or granting its approval.

So Ordered this 17 day of September, 2014.



HON. JAMES C. DEVER, III
Chief United States District Judge